

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:
James Fehr Facility ID #60198
Section 33, Lotts Creek Township
Kossuth County, Iowa

ADMINISTRATIVE CONSENT ORDER
NO. 2007-AFO- 25

TO: James Fehr
1406 20th Ave
West Bend, Iowa 50597

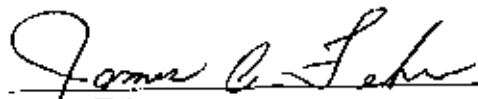
VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c" and 567 IAC 65.17. You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by January 1, 2007. You were sent a notice of these requirements on July 17, 2006 and notices of delinquency on November 15, 2006 and on January 10, 2007. On January 29, 2007, you were sent a notice of violation and on April 12, 2007, a complete MMP was submitted to the Department.

ORDER: In the future you shall timely submit to Department Field Office #2 the following: complete MMPs, fees and MMP updates. In addition, a penalty of \$500.00 shall be paid 30 days after the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$100.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$200.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$200.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent four notices of the requirement by the Department.

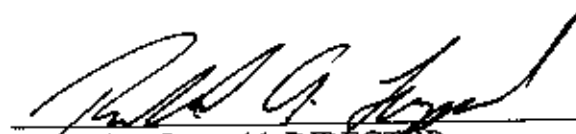
AUTHORITY: Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c", 567 IAC 65.17.

APPEAL: This Order is entered into knowingly by and with the consent of Mr. Fehr. For that reason, Mr. Fehr waives the right to appeal this Order or any part thereof.

NONCOMPLIANCE: If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.


James Fehr

Dated this 24 day of August, 2007


Richard A. Leopold, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES
502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319

Dated this 4 day of Sept., 2007